

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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<b>KELLI BURNS</b>	)	
	)	
<b>Plaintiff</b>	)	<b>Case Number:</b>
	)	
<b>vs.</b>	)	
	)	<b>CIVIL COMPLAINT</b>
<b>NCO FINANCIAL SYSTEMS, INC.</b>	)	
	)	<b>JURY TRIAL DEMANDED</b>
<b>Defendant</b>	)	
	)	

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**COMPLAINT AND JURY DEMAND**

**COMES NOW**, Plaintiff, Kelli Burns, by and through her undersigned counsel, Bruce K. Warren, Esquire of Warren Law Group, P.C., complaining of Defendant, and respectfully avers as follows:

**I. INTRODUCTORY STATEMENT**

1. Plaintiff, Kelli Burns, is an adult natural person and brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices as well as violations of the Invasion of Privacy by Intrusion upon Seclusion.

**II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.
3. Venue in this District is proper in that the Plaintiff resides in this District.

### **III. PARTIES**

4. Plaintiff, Kelli Burns, (hereafter, Plaintiff) is an adult natural person residing in Washington Township, New Jersey. At all times material and relevant hereto, Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (2).

5. Defendant, NCO Financial Systems, Inc. (hereafter, Defendant), at all times relevant hereto, is a corporation company engaged in the business of collecting debt, within the Commonwealth of Pennsylvania and the State of New Jersey with a primary address located at 507 Prudential Road, Horsham, PA 19044.

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly tries to collect debt due by another. Defendant, is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

### **IV. FACTUAL ALLEGATIONS**

7. In or around October 2012, Plaintiff's parents started to receive constant and continuous collection calls to their home phone number from the Defendant.

8. The Plaintiff does not live at her parent's residence and hasn't for some time now.

9. The Plaintiff never received a letter from the Defendant regarding this alleged consumer debt after the initial call.

10. On or about March 11, 2013, occasion the Plaintiff had learned that the Defendant had divulged private information regarding an alleged consumer debt she is said to owe.

11. Plaintiff never received a call from the Defendant.

12. Despite knowing they are contacting family members Defendant continues to make harassing calls and invade the privacy of all Plaintiffs.

13. The Defendant has been asked numerous times to stop contacting the Plaintiff's parents, but continues to do so.

14. As of the filing of this complaint, Defendant continues to place harassing calls to the Plaintiff's parents' home, the natural consequences of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt due by another.

15. The Defendant and their agent's conduct has become so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency.

16. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

17. At all times pertinent hereto, Defendant was acting by and through their agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

18. At all times pertinent hereto, the conduct of Defendant, as well as their agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

19. As a result of Defendant's, conduct, Plaintiff has sustained actual damages, including, but not limited to, injury to Plaintiff's reputation, invasion of privacy, damage to Plaintiff's credit, out-of-pocket expenses, physical, emotional and mental pain and anguish and

pecuniary loss and he will continue to suffer same for an indefinite time in the future, all to his great detriment and loss.

**COUNT I – FDCPA**

20. The above paragraphs are hereby incorporated herein by reference.
21. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by Plaintiff for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a(5).
22. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of:

§§ 1692c(b):	With anyone except consumer, consumer’s attorney, or credit bureau concerning the debt
§§ 1692c(a)(1):	At any unusual time or unusual place or unusual time and place
§§ 1692d:	Any conduct the natural consequence of which is to harass, oppress, or abuse any person
§§ 1692d(5):	Caused the phone to ring or engaged any person in telephone conversations repeatedly
§§ 1692e:	Any other false, deceptive, or misleading representation or means in connection with the debt collection
§§ 1692e(10):	Any false representation or deceptive means to collect a debt or obtain information about a consumer
§§ 1692f:	Any unfair or unconscionable means to collect or attempt to collect the alleged debt

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant, for the following:

- a. Actual damages;
- b. Statutory damages pursuant to 15 U.S.C. § 1692k;
- c. Reasonable attorney's fees and litigation expenses, plus costs of suit; and
- d. Such additional and further relief as may be appropriate or that the interests of justice require.

**COUNT II**

**INVASION OF PRIVACY BY INTRUSION UPON SECLUSION**

- 23. The above paragraphs are hereby incorporated herein by reference.
- 24. The Restatement of Torts, Second, § 652(b) defines intrusion upon seclusion as, "One who intentionally intrudes...upon the solitude or seclusion of another, or his private affairs or concerns, is subject to liability to the other for invasion of privacy, if the intrusion would be highly offensive to a reasonable person."
- 25. New Jersey recognizes Plaintiff's right to be free from invasions of privacy, thus Defendant violated NJ state law.
- 26. Defendant intentionally intruded upon Plaintiff's right to privacy to be continually harassing Plaintiff with frequent telephone calls, abusing Plaintiff.
- 27. The telephone calls made by Defendant to Plaintiff were so persistent and repeated with such frequency as to be considered, "hounding the plaintiff," and "a substantial burden to his existence," thus satisfying the Restatement of Torts, Second, § 652(b) requirement for an invasion of privacy.

28. The conduct of Defendant in engaging in the illegal collection activities resulted in multiple invasions of privacy in such a way as would be considered highly offensive to a reasonable person.

29. As a result of the intrusions and invasions, Plaintiff is entitled to actual damages in an amount to be determined at trial from Defendant.

30. Defendant's acts were reckless, willful, and intentional and/or were done with knowledge of their harmful effects towards Plaintiff and as such Defendant is subject to punitive damages.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- a. Reasonable attorney's fees and litigation expenses, plus costs of suit;
- b. Punitive damages; and
- c. Such additional and further relief as may be appropriate or that the interests of justice require.

**V. JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

**Respectfully submitted,**

**WARREN LAW GROUP, P.C.**

**Date: April 30, 2013**

**BY:/s/ *Bruce K. Warren***  
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